

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Case No. 24-47922

HERITAGE COLLEGIATE APPAREL, INC., Chapter 11

Judge Thomas J. Tucker
Debtor.

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**ORDER OVERRULING THE OBJECTION TO USE OF CASH COLLATERAL
FILED BY ELEMENTAL CAPITAL, INC., AS UNTIMELY**

On September 19, 2024, Elemental Capital, Inc. filed a paper entitled “Objection to Use of Cash Collateral” with exhibits attached (Docket # 130, the “Elemental Capital Objection”). The Court will overrule this objection because it is untimely. The deadline for Elemental Capital, Inc. to object to the interim cash collateral order filed August 23, 2024 (Docket # 40, the “Interim Cash Collateral Order”) was September 6, 2024. *See* Interim Cash Collateral Order at ¶ 20.¹

The Court finds that Elemental Capital, Inc. (“Elemental”) was served with the Debtor’s cash collateral motion (Docket # 18) by mail on August 19, 2024, and that Elemental was served with the Interim Cash Collateral Order by mail on August 23, 2024. Each time, the service on Elemental was done by service to “CT Corp. as Representative,” using the name and address of the secured creditor listed in Elemental’s UCC filing. *See* Elemental Capital Objection at ¶ 6 and attached UCC financing statement (Docket # 130 at pdf pp. 3-4, Docket # 130-2 at pdf p. 2); Certificate of Service (Docket # 26) at pdf p. 5; Certificate of Service (Docket # 42) at pdf p. 5.

¹ The Official Committee of Unsecured Creditors is the only party that had a deadline to object later than September 6, 2024. *See* Interim Cash Collateral Order at ¶ 20; Order filed September 10, 2024 (Docket # 106) at 2.

The Elemental Capital Objection therefore is untimely. And it contains no allegation or argument to try to show otherwise. For these reasons, the Court will overrule the objection.

IT IS ORDERED that the Elemental Capital Objection (Docket # 130) is overruled in its entirety.

Signed on September 19, 2024



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge